

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHN L. RUST and KAREN J. RUST,

Plaintiff,

v.

BIOMEDICAL TISSUE SERVICES. LTD.,  
MICHAEL MASTROMARINO, REGENERATION  
TECHNOLOGIES, INC. and MEDTRONIC  
SOFAMOR DANEK USA, INC.

Defendants.

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: C.A. No. 07-222 (GMS)  
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**STIPULATION TO EXTEND TIME**

IT IS HEREBY STIPULATED, by and between Plaintiffs John and Karen Rust (the "Rusts") and Defendant Medtronic Sofamor Danek USA, Inc. ("Medtronic"), and subject to the approval of the Court, that the date by which Medtronic must answer, move, or otherwise respond to the Rusts' amended complaint shall be extended to May 30, 2007 or twenty (20) days following the lifting of an anticipated stay of this matter, whichever is later.

/s/ Brian F. Dolan  
Brian F. Dolan (#3190)  
Stumpf, Vickers & Sandy, P.A.  
8 West Market Street  
Georgetown, DE 19947  
  
*Attorneys for John and Karen Rust*

/s/ Thomas H. Kovach  
Thomas H. Kovach (#3964)  
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Wilmington, DE 19899-1709  
(302) 777-6500

Dated: May 10, 2007

*Attorneys for Medtronic Sofamor Danek USA,  
Inc.*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

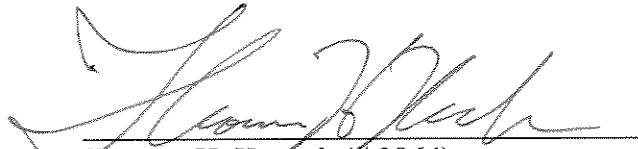
\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I, Thomas H. Kovach, hereby certify that on the 10<sup>th</sup> day of May, 2007, I caused a true copy of the foregoing *Stipulation to Extend Time* to be electronically filed with the Clerk of the Court using CM/ECF, which will send electronic notification of such filing to the following:

Brian F. Dolan, Esquire  
Stumpf, Vickers & Sandy, P.A.  
8 West Market Street  
Georgetown, DE 19947

John T. Carroll, III, Esquire  
Joseph J. Bellew, Esquire  
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Thomas H. Kovach (# 3964)

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May 10, 2007

**VIA ELECTRONIC FILING**

The Honorable Gregory M. Sleet  
United States District Court  
for the District of Delaware  
J. Caleb Boggs Federal Building  
844 North King Street  
Wilmington, DE 19801

Re: John L. Rust and Karen J. Rust v.  
Biomedical Tissue Services, LTD., et al;  
C.A. No. 07-222 (GMS)

Dear Judge Sleet:

I represent Defendant Medtronic Sofamor Danek USA, Inc. ("Medtronic") and I write on behalf of plaintiffs and Medtronic to explain the Stipulation to Extend Time to respond to Plaintiffs' amended complaint being filed concurrently herewith. It is my understanding that the parties expect this matter to be stayed pending a request to transfer the case to the multi-district litigation matter *In re Human Tissue Products Liability Litigation*, MDL No. 1763, in the District of New Jersey. Should the matter not be transferred and the anticipated stay is lifted, Medtronic will respond to the Complaint within twenty (20) days.

Counsel are available should the Court have any questions.

Respectfully,



Thomas H. Kovach (Del. Bar No. 3964)

THK/asc

cc: Brian F. Dolan, Esquire(via electronic filing)  
John T. Carroll, III, Esquire (via electronic filing)  
Joseph J. Bellew, Esquire (via electronic filing)

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